

111TH CONGRESS  
2D SESSION

# S. 3310

To designate certain wilderness areas in the National Forest System in the State of South Dakota.

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IN THE SENATE OF THE UNITED STATES

MAY 5, 2010

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To designate certain wilderness areas in the National Forest System in the State of South Dakota.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Tony Dean Cheyenne  
5       River Valley Conservation Act of 2010”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) SECRETARY.—The term “Secretary” means  
9       the Secretary of Agriculture.

1           (2) STATE.—The term “State” means the State  
2 of South Dakota.

3           (3) WILDERNESS AREA.—The term “wilderness  
4 area” means any of the areas designated as compo-  
5 nents of the National Wilderness Preservation Sys-  
6 tem by section 3(a).

7 **SEC. 3. WILDERNESS AREAS.**

8           (a) DESIGNATION.—In accordance with the Wilder-  
9 ness Act (16 U.S.C. 1131 et seq.), the following areas in  
10 the State are designated as wilderness areas and as com-  
11 ponents of the National Wilderness Preservation System:

12           (1) The approximately 27,500 acres of land, as  
13 generally depicted on the map entitled “Indian  
14 Creek East and Indian Creek West”, which shall be  
15 known as the “Indian Creek Wilderness”.

16           (2) The approximately 16,007 acres of land, as  
17 generally depicted on the map entitled “Red Shirt  
18 and Red Shirt East”, which shall be known as the  
19 “Red Shirt Wilderness”.

20           (3) The approximately 4,518 acres of land, as  
21 generally depicted on the map entitled “Chalk  
22 Hills”, which shall be known as the “Chalk Hills  
23 Wilderness”.

24           (b) MAPS AND LEGAL DESCRIPTION.—

1           (1) IN GENERAL.—As soon as practicable after  
2           the date of enactment of this Act, the Secretary  
3           shall submit to the Committee on Energy and Nat-  
4           ural Resources of the Senate and the Committee on  
5           Natural Resources of the House of Representatives  
6           a map and legal description for each wilderness area.

7           (2) EFFECT.—Each map and legal description  
8           submitted under paragraph (1) shall have the same  
9           force and effect as if included in this Act, except  
10          that the Secretary may correct minor errors in the  
11          map or legal description.

12          (3) AVAILABILITY.—Each map and legal de-  
13          scription submitted under paragraph (1) shall be  
14          available in the Office of the Chief of the Forest  
15          Service.

16          (c) ADMINISTRATION.—

17               (1) IN GENERAL.—Subject to valid existing  
18               rights, the wilderness areas shall be administered by  
19               the Secretary in accordance with the Wilderness Act  
20               (16 U.S.C. 1131 et seq.), except that any reference  
21               in that Act to the effective date shall be considered  
22               to be a reference to the date of enactment of this  
23               Act.

1           (2) WITHDRAWAL.—Subject to valid existing  
2       rights, the wilderness areas are withdrawn from all  
3       forms of—

4           (A) entry, appropriation, or disposal under  
5       the public land laws;

6           (B) location, entry, and patent under the  
7       mining laws; and

8           (C) disposition under the mineral leasing,  
9       mineral materials, and geothermal leasing laws.

10       (3) CONTINUATION OF LIVESTOCK GRAZING.—

11       In the wilderness areas, the grazing of livestock and  
12       the maintenance of existing facilities related to graz-  
13       ing in areas in which grazing is established as of the  
14       date of enactment of this Act shall be allowed to  
15       continue, consistent with—

16           (A) section 4(d)(4) of the Wilderness Act  
17       (16 U.S.C. 1133(d)(4)); and

18           (B) the guidelines set forth in House Re-  
19       port 96–617 to accompany H.R. 5487 of the  
20       96th Congress.

21       (4) FISH AND WILDLIFE MANAGEMENT.—

22           (A) STATE JURISDICTION.—In accordance  
23       with section 4(d)(7) of the Wilderness Act (16  
24       U.S.C. 1133(d)(7)), nothing in this Act affects  
25       or diminishes the jurisdiction of the State with

1 respect to fish and wildlife management in the  
2 wilderness areas (including the regulation of  
3 hunting, fishing, and trapping).

4 (B) MANAGEMENT ACTIVITIES.—In fur-  
5 therance of the purposes and principles of the  
6 Wilderness Act (16 U.S.C. 1131 et seq.), man-  
7 agement activities to maintain or restore fish  
8 and wildlife populations and the habitats to  
9 support those populations may be carried out  
10 within the wilderness areas in accordance with  
11 relevant wilderness management plans and ap-  
12 propriate policies (such as those described in  
13 Appendix B of House Report 101–405 of the  
14 101st Congress), including the occasional and  
15 temporary use of motorized vehicles, if the Sec-  
16 retary determines that the activities would—

17 (i) promote healthy, viable, and more  
18 naturally distributed wildlife populations;  
19 and

20 (ii) using the minimum tool necessary,  
21 enhance wilderness values.

22 (5) FIRE, INSECTS, INVASIVE SPECIES, AND  
23 DISEASES MANAGEMENT ACTIVITIES.—The Sec-  
24 retary may undertake such measures as are nec-  
25 essary to control and prevent fire, insects, invasive

1 species, and diseases, in accordance with section  
2 4(d)(1) of the Wilderness Act (16 U.S.C.  
3 1133(d)(1)), including the coordination of those ac-  
4 tivities with a State or local agency.

5 (6) MILITARY ACTIVITIES.—Nothing in this Act  
6 precludes—

7 (A) low-level overflights of military aircraft  
8 over the wilderness areas;

9 (B) the designation of new units of special  
10 airspace over the wilderness areas; or

11 (C) the use or establishment of military  
12 flight training routes over the wilderness areas.

13 (7) NATIVE AMERICAN USES AND INTERESTS.—  
14 Nothing in this Act diminishes the rights of Indian  
15 tribes with respect to access to Federal land for trib-  
16 al activities (including spiritual, cultural, and tradi-  
17 tional food-gathering activities).

18 (8) ACCESS TO PROPERTY.—The Secretary  
19 shall provide any owner of private property within  
20 the boundary of a wilderness area, including the  
21 State, adequate access to the private property.

22 (9) ACQUISITION OF LAND AND INTERESTS IN  
23 LAND.—

24 (A) IN GENERAL.—Consistent with appli-  
25 cable law, the Secretary may acquire from will-

1 ing sellers land or interests in land within the  
2 boundaries of the wilderness areas by purchase,  
3 donation, or exchange.

4 (B) INCORPORATION OF ACQUIRED  
5 LAND.—Any land or interest in land within a  
6 wilderness area that is acquired by the United  
7 States shall be added to, and administered as  
8 part of, the applicable wilderness area.

9 (10) ADJACENT MANAGEMENT.—

10 (A) NO PROTECTIVE PERIMETERS OR  
11 BUFFER ZONES.—Congress does not intend for  
12 the designation of a wilderness area to result in  
13 the creation of protective perimeters or buffer  
14 zones around any of the wilderness areas.

15 (B) NONWILDERNESS ACTIVITIES.—The  
16 fact that nonwilderness activities or uses out-  
17 side of a wilderness area can be seen or heard  
18 from inside of the wilderness area shall not pre-  
19 clude the conduct of the nonwilderness activities  
20 or uses outside the boundaries of the wilderness  
21 area.

22 **SEC. 4. PRAIRIE DOGS.**

23 Nothing in this Act enhances or diminishes the exist-  
24 ing authority of the Secretary and the Secretary of the

- 1 Interior to manage prairie dog populations and habitats
- 2 on public land.

